

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

WALSH CONSTRUCTION COMPANY PUERTO
RICO

Plaintiff

V.

UNITED SURETY & INDEMNITY COMPANY

Defendant

CIVIL NO. 3:12-CV-01401-SEC

**JOINT MOTION FOR ENTRY OF STIPULATED CONFIDENTIALITY AGREEMENT
AND PROTECTIVE ORDER**

TO THE HONORABLE COURT:

Pursuant to this Court's Order issued on May 2, 2013, (Docket No. 47), Plaintiff, Walsh Construction Company Puerto Rico, ("Walsh"), and Defendant, United Surety and Indemnity Company, ("USIC"), hereby jointly move for the entry of a Stipulated Confidentiality Agreement and Protective Order. In support of this Joint Motion the Parties state as follows:

1. On April 19, 2013, the Parties filed a Joint Informative Motion in Compliance with this Court's Orders of March 20, 2013 and April 8, 2013. *See* Docket Nos. 39 and 43.
2. In the Joint Informative Motion filed on April 19, 2013, the Parties noted that they had exchanged drafts of a proposed Confidentiality Agreement and anticipated having a finalized draft of the same by April 26, 2013.
3. Indeed, soon after April 26, 2013, the Parties had finalized a proposed Stipulated

Confidentiality Agreement and Protective Order, (“Confidentiality Agreement & Protective Order”), which would permit the Producing Party to designate as confidential only the portion of discovery materials that it reasonably and in good faith believes consists of:

- (a) previously non-disclosed financial information (including without limitation profitability reports or estimates, percentage fees, design fees, royalty rates, minimum guarantee payments, sales reports, and sale margins);
- (b) previously non-disclosed material relating to ownership or control of any non-public company;
- (c) previously non-disclosed business plans, product-development information, or marketing plans;
- (d) any information of a personal or intimate nature regarding any individual; or
- (e) any other category of information this Court subsequently affords confidential status.

4. A copy of the proposed Confidentiality Agreement & Protective Order is attached hereto as Exhibit “A.” A copy of a proposed Non-Disclosure Agreement which is intended to be utilized in conjunction with the Confidentiality Agreement is attached hereto as Exhibit “A-1.”¹

5. The Parties seek this Court’s approval of the Confidentiality Agreement & Protective Order pursuant to *Fed.R.Civ.P. 26(c)* to ensure that there is adequate protection of nonpublic and competitively sensitive information.

6. The Parties respectfully submit that good cause exists for issuance of the proposed Confidentiality Agreement & Protective Order and that the same is appropriately tailored to govern the pretrial phase of this action.

¹ Consistent with the directives of this Court’s Order of May 2, 2013, the proposed Stipulated Confidentiality Agreement and Protective Order are being e-mailed in a format compatible with Word Perfect.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the foregoing and grant the Parties' Joint Motion for the Entry of the Stipulated Confidentiality Agreement and Protective Order as requested herein.

RESPECTFULLY SUBMITTED this 6th day of May, 2013.

WE HEREBY CERTIFY that on May 6, 2013, the undersigned consented to the electronic filing of the foregoing Joint Motion using the CM/ECF system, which will send notification of the filing to the following:

Paul T. DeVlieger, Esquire
Herman Hiraldo-Sanchez, Esquire
Carlos Lugo-Fiol, Esquire
Hector Saldana-Egozcue, Esquire
Jose A. Sanchez-Girona, Esquire

/s/ Paul T. DeVlieger

PAUL T. DEVLIEGER, ESQ.
1518 Walnut Street, 16th Floor
Philadelphia, PA 19102
(215) 735-9181
pdevlieger@dvhlaw.com

/s/ José A. Sánchez Girona

JOSE A. SANCHEZ-GIRONA, ESQ.
Banco Popular Center Suite 1420
208 Ponce de Leon Ave.
San Juan, PR 00918
787-758-7565
jose.sanchez@saldanalaw.com